

REMARKS

Claims 1-16 and 18 are pending, and claims 19-35 are withdrawn. By this Amendment, no claims are cancelled, claims 1, 12-16, and 18 are amended and no new claims are added. Support for the amendments can be found throughout the specification and figures as originally filed, specifically on pages 10-11 at [0056] and [0057], and on page 12 at [0064].

Claim Rejections – 35 U.S.C. § 103

Claims 1-16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the book “Breads” in view of the book “Professional Baking.” In response, Applicant has amended independent claims 1, 12 and 18 to further clarify the present claimed invention as comprising a dough intermediate in which a sprayable agent comprising a liquid fat or oil is applied over substantially an entire exposed surface prior to a forming/cutting step so as to form a sealing layer including within the cuts forming the aesthetic features to promote improved aesthetic and organoleptic properties. Inasmuch as the rejections apply to the amended claims, Applicants respectfully traverse the rejections.

As discussed previously in the Amendment filed October 17, 2007, the “Breads” reference is directed to a variety of “artisan” style dough products and related methods of making. While the Examiner refers to “Breads” as teaching coating with butter, the “Breads” reference is absent any disclosure or suggestion relative to applying a sprayable agent over substantially an entire exposed surface **prior** to a finishing or cutting step in which aesthetic features such as lobes, sections, portions, crevices and the like are formed and wherein the sprayable agent is forced into said aesthetic features.

Further, the “Breads” reference teaches brushing the top of rolls, i.e. the Parker House Roll example on page 28, after the roll has been folded over. This method may not sufficiently create a sealing layer that restricts dehydration of the entire exposed surface evidenced by the

instruction in the “Breads” reference of spraying the rolls with water at regular intervals during the baking step.

As such, the “Breads” reference fails to disclose or suggest a dough intermediate that has been formed or cut that includes a sealing layer sprayed on an entire exposed surface to improve the properties related to the formation of the partial seal (i.e. enhanced crown, increased fluidity and restricting dehydration).

The “Professional Baking” reference fails to make up for the deficiencies of the “Breads” reference. The Examiner states on page 3 of the Office Action that “[s]ince the book teaches to brush with melted butter, it is obvious the products will have the properties as claimed.” Applicants respectfully disagree with this statement. Again, as evidenced by the instructions to spray the baking products at regular intervals with water from the “Breads” referenced, the mere teaching of brushing only a portion of the exposed surface of a dough intermediate prior to a cutting step may not form a sealing layer to restrict dehydration.

The Examiner states that it “would have been obvious to one skilled in the art to determine the optimum BSV for the particular dough made.” Neither the “Breads” reference nor the “Professional Baking” reference disclose or suggest that the application of a sealing layer to the entire surface of dough intermediate, as recited in claims 1, 12, and 18, will result in an enhanced crown or cap and BSV of greater than 3 ml/g after a final finishing step.

As such, neither “Professional Baking” nor “Breads”, considered individually or in combination, disclose or suggest a formed dough intermediate having improved baked performance resulting from a sealing layer forming a partial seal imparted through application of a sprayable agent over substantially all of the exposed surface. The Examiner also has not clearly articulated any reasons why the claimed invention would have been obvious as required by MPEP § 2142. As confirmed by the Supreme Court in *KSR Int’l Co. v. Teleflex, Inc.*, “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there

must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” 550 U.S. ____ (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) with approval). Based on the lack of any suggestion or disclosure within the cited art nor any indication by the Examiner that the application of a sprayable agent to substantially an entire exposed surface prior to a formation or cutting step is “notorious” to a person of ordinary skill in the art, there is no basis for rejecting the presently amended claims as obvious to one of skill in the art.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Burgess', written in a cursive style.

Daidre L. Burgess
Registration No. 60,389

Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 252-1558